

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

No. 09-408V  
Filed: September 20, 2010

\*\*\*\*\*

DOUGLAS PROBERT,

\*

\*

Petitioner,

\*

Attorneys' fees and costs decision

\*

v.

\*

\*

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

\*

\*

\*

Respondent.

\*

\*\*\*\*\*

*Ronald Craig Homer, Conway, Homer & Chin-Caplan, Boston, M.A., for Petitioner.*  
*Linda Sara Renzi, U.S. Department of Justice, Washington, D.C., for Respondent.*

**ATTORNEY'S FEES AND COSTS DECISION<sup>1</sup>**

**GOLKIEWICZ**, Special Master.

On September 16, 2010, petitioner filed an unopposed Application for Attorneys' Fees and Costs [hereinafter "Fee Application"]. Petitioner stated that a draft fee application was communicated to respondent on September 8, 2010, and thereafter, respondent contacted petitioner regarding certain requests. From those settlement discussions, petitioner now requests \$22,460.70 in attorney fees and \$773.86 in costs to the firm of Conway, Homer & Chin-Caplan; \$3,055.00 in attorney fees and \$587.05 in costs to Edward Hershewe, Esq.; and \$389.24 in costs borne by petitioner. Fee Application, at 1-2. The total amount requested is \$27,265.85. *Id.* In compliance with General Order #9, petitioner filed a Statement, stating all costs incurred by petitioner were included in the Fee Application. Petitioner and Counsel Statement, filed September 16, 2010.

The court hereby awards the petitioner attorneys' fees and costs in the total amount of \$27,265.85. **Specifically, petitioner is awarded a lump sum of \$389.24 in the form of a**

---

<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. *Id.*

**check payable individually to petitioner; and a lump sum of \$26,876.61 in the form of a check payable jointly to petitioner and petitioner's attorney of record.**

The Clerk of the Court is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Special Master

---

<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).